

REMARKS

Claims 1-3, 5, 8-10 and 11-28 are pending. Claims 11-28 were previously withdrawn by the Examiner as being directed to a non-elected invention(s).

Claims 1 and 5 have been amended herein to more particularly point out and distinctly claim the subject matter Applicant regards as the invention. Support for these amendments can be found throughout the specification, e.g., at page 9, lines 18-21. No new matter has been added.

Amendment of the claims should in no way be construed as an acquiescence to any of the rejections set forth in the instant Office Action, and was done solely to expedite prosecution. Applicant reserves the right to pursue the claims as originally filed in this or one or more separate applications.

Rejection under 35 U.S.C. §112, second paragraph

Claim 1 is rejected in the current office action pursuant to 35 U.S.C. §112, second paragraph, as being allegedly indefinite. Applicant respectfully traverses this rejection. However, in order to expedite prosecution of the subject application, claim 1 has been amended, as suggested by the Examiner, to use the language "consisting of" instead of "composed of". Applicant therefore contends that the rejection does not apply to the claims as amended. Reconsideration and withdrawal of the rejection is proper and such action is requested.

Rejections under 35 U.S.C. §102/103 over the Bell patent

Claim 5 stands rejected under 35 U.S.C. 102(e)/103(a) in view of Bell, U.S. Patent 6,179,872 ("the Bell patent"). This rejection is traversed.

While Applicant maintains that the claims as previously pending patentably distinguish over the cited references (including the Bell patent), for purposes of expediting prosecution, claim 5 has been amended, as suggested by the Examiner, to recite that the claimed collagen material contains ultra-fine fibers of collagen formed by performing a freezing, freeze-drying and thermal dehydration crosslinking procedure to a hydrochloric acid solution of extracted collagen.

Usage of thermal dehydration crosslinking provides a further advantage to the present invention in that no chemical crosslinker is used. This beneficially ensures that the collagen material of the present invention will exhibit a powerful affinity for cells and a sufficient strength for medical use.

Applicant contends that the Bell patent does not teach or suggest the collagen material as recited in present claim 5. Thus, Applicant respectfully submits that the claim 5 patentably distinguishes the cited references. Reconsideration and withdrawal of this rejection is proper and the same is requested.

Rejections under 35 U.S.C. §103

Claims 8 and 10 stand rejected under 35 U.S.C. 103(a) over the Bell patent in view of Yasuhiko WO98/22157 ("the Yasuhiko publication"). This rejection is traversed.

Claims 8 and 10 depend from claim 5, which, as discussed above, patentably distinguishes over the cited references. (Claim 10 also depends from claim 3, which

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the Examiner has also indicated would be allowable upon overcoming the rejection under 35 U.S.C. §112.)

Applicant contends that claims 8 and 10, being dependent upon an allowable claim, are therefore also allowable. Reconsideration and withdrawal of the rejection is proper and the same is requested.

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Conclusion

In view of at least the amendments and/or remarks set forth above, Applicant submits that all claims are in condition for allowance. Early and favorable action is earnestly requested.

If the undersigned can be of any assistance in advancing the prosecution of this case, the Examiner is invited to contact him using the information provided below.

Respectfully submitted,

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